

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (U.S. Patent No. 3,122,260). Traversal of this rejection is made for at least the following reasons. Claim 1 was amended herein in an attempt to place the present application in condition for allowance or at least, to place the application in better form for appeal. Specifically, claim 1 was amended herein to add the limitation of a basketball hoop having a rim in combination with the previous elements. Because the Examiner has already considered the structure of claim 1 with respect to basketball related structures, it is submitted that such an amendment would not impose an undue burden on the Examiner or require an additional search. Accordingly, entry of this amendment is respectfully requested. Regarding the rejection of claims 1-3 with respect to Ryan, it is submitted that Ryan does not teach or suggest a basketball hoop having a rim, as recited in amended claim 1. Rather, Ryan is merely related to a lid for a garbage can that is self-locking and can be firmly secured to the garbage can regardless of the amount of deformation or 'out-of-shapeness' sustained by the garbage can. Because Ryan does not disclose each and every limitation set forth in claim 1, Ryan cannot anticipate such claim. Withdrawal of this rejection is respectfully requested.

Claims 1, 3, 4, 6, 7, 9-11, 13, 14, 16, 17, and 19-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Booker et al. (U.S. Patent No. 5,881,583). Traversal of this rejection is made for at least the following reasons. Booker et al. does not disclose a flange that encircles a portion of an outer edge of an annular shaped member. The Examiner provides a dictionary definition of encircle as: 1. to form a circle around: surround; 2. to pass completely around. Applicant does not disagree with this interpretation of the term 'encircle'. However, in looking at Fig. 2 of Booker, reproduced below, it is not clear how the Examiner considers the coupling members 22 as encircling a portion of an outer edge, as required by claims 1 and 13.

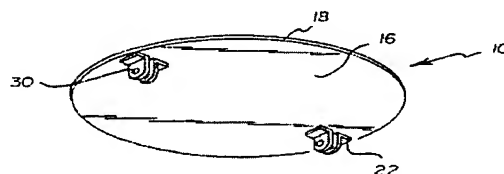


FIG 2

Further, the Examiner states:

The claim language of Booker does not show a criticality to the position of the brackets. The Booker device could be positioned at the edge.

This is in contrast with the specification of Booker, which explicitly states:

A pair of diametrically opposed coupling members are secured to the planar lower surface of the cover member disposed inwardly of the peripheral edge. Col. 1, lines 63-66 (emphasis added).

The structure that is expressly set forth in Booker could not logically encircle a portion of the outer edge of the cover member of Booker by mere repositioning. Rather, the coupling of Booker would need to be entirely reconfigured to meet the limitations of the present invention. Moreover, with regards to an anticipation rejection, Federal Circuit decisions repeatedly emphasize that anticipation is established only if (1) all the elements of an invention, as stated in a patent claim, (2) are identically set forth, (3) in a single prior art reference. See *Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997) ("Under 35 U.S.C. §102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim."). Thus, because Booker does not show a flange that encircles a portion of an outer edge of the annular member, Booker cannot anticipate claims 1 and 13.

Regarding claims 3 and 4, the Examiner relies on aperture 30 as being equivalent to the claimed rod receiving structure; however it is not clear what the Examiner considers as being an equivalent structure to the claimed arm. Assuming that the Examiner considers the coupling members 22 as being equivalent to the claimed arm, it is submitted that the Examiner cannot rely on the coupling members 22 as being equivalent to both the claimed flange and the claimed arm. Clarification of this rejection is requested.

Regarding claim 7, again, it is not clear what structure the Examiner is relying upon as being equivalent to the claimed plurality of protrusions as the Examiner merely cites Fig. 2 without further explanation. For the purposes of this argument, it will be assumed that the Examiner is relying upon the "inner" coupling members 22 as being equivalent to the claimed plurality of protrusions. Assuming this, it is submitted that these two inner coupling members 22 do not create a circular path, as required by claim 9.

Because Booker does not disclose each and every limitation set forth in claims 1, 3, 4, 6, 7, 9-11, 13, 14, 16, and 21-22, Booker cannot anticipate such claims. Withdrawal of this rejection is requested.

Claims 17-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Carroll (U.S. Patent No. 2,710,189). Traversal of this rejection is made for at least the following reasons. Claims 17-20 have been cancelled herein. Regarding claims 21 and 22, such claims depend from independent claim 1, which requires a flange that encircles a portion of an outer edge of an annular shaped member. Carroll does not disclose such structure. Rather, Carroll discloses clip members 15 arranged radially of the cover on its underside and projects beyond the edge by a distance so that the strips 15 can engage an upper surface of a basketball rim. Because, Carroll does not disclose each and every limitation set forth in claims 21 and 22, Carroll does not anticipate such claims. Withdrawal of this rejection is respectfully requested.

Claims 2, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booker et al. in view of Official Notice. Traversal of this rejection is made for at least the following reasons. Claims 2, 5, and 12 depend directly or indirectly from claim 1, which is believed to be allowable over Booker et al. for at least the reasons discussed above. The Examiner's statement of Official Notice does not make up for the deficiencies of Booker et al. with respect to claim 1. Accordingly, the combination of Booker et al. and the Examiner's Official Notice does not render obvious claims 2, 5, and 12. Withdrawal of this rejection is respectfully requested.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (U.S. Patent No. 5,816,948) in view of Rapp (U.S. Patent No. 4,921,248). Traversal of this rejection is made for at least the following reasons. Neither Davies et al. nor Rapp teach or suggest a basketball training device having an annular shaped member and a ***flange that encircles a portion of an outer edge of the annular shaped member***, as recited in claim 13. Davies et al. merely discloses a flat cover for covering an opening of a basketball hoop. The cover of Davies et al. does not have a flange or any similar structure that encircles a portion of an outer edge of the cover.

Further, the Examiner concedes that Davies et al. does not teach a rod to engage the annular member and thus relies on Rapp in an attempt to make up for the deficiencies of Davies et al. However, one skilled in the art would not have employed the rod of Rapp to remove the cover of Davies et al. In fact, because Davies et al. teaches the use of a security

lock which passes through two locking holes positioned at a front portion of the cover, it is submitted that the rod structure disclosed in Rapp would not be operable to remove the cover of Davies et al. Thus, it is submitted that there is no motivation present in either Davies et al. or Rapp to support the proposed combination of references.


For at least the aforementioned reasons, the combination of Davies et al. and Rapp does not render obvious claims 13 and 14. Withdrawal of this rejection is respectfully requested.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Rapp and further in view of Mattoon (U.S. Patent No. 6,174,249). Traversal of this rejection is made for at least the following reasons. Claim 15 depends from claim 13, which is allowable over Davies et al. and Rapp for at least the reasons discussed above. Mattoon does not make up for the aforementioned deficiencies of Davies et al. and Rapp. Specifically, Mattoon does not teach or suggest a *flange that encircles a portion of an outer edge of the annular shaped member*. Mattoon merely discloses a net installation system for a basketball net hoop. Accordingly, the combination of Davies et al., Rapp, and Mattoon does not render claim 15 obvious. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36352US1.

Respectfully submitted,
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